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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/844,561 | 04/27/2001 | Josef Lindthaler | 01049 | 3015 |
| 24628 | 7590 | 05/05/2005 | EXAMINER | |
| WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606 | | | MISLEH, JUSTIN P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2612 | |

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/844,561 | LINDTHALER, JOSEF | |
| | Examiner | Art Unit | |
| | Justin P. Misleh | 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 4/27/01 (Preliminary Amendment).
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 - 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 - 8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. **The form and legal phraseology often used in patent claims, such as “means”, “comprising”, and “said,” should be avoided.** The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, “The disclosure concerns,” “The disclosure defined by this invention,” “The disclosure describes,” etc.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: *Camera Scanner with Vibration Free Camera Holder.*

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the Applicant's use.

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without

underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description: 32 and 36 (see page 8).

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the Examiner does not accept the changes, the Applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

5. The listing of references in the specification (see pages 2 and 3) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the Examiner on form PTO-892 has cited the references, they have not been considered.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1 2, and 4 – 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Uehara et al. in view of Yamamoto et al.

8. **For Claims 1 and 7,** Uehara et al. disclose, as shown in figures 1 and 11 and as stated in columns 10 (line 55) – 11 (line 45), apparatus and a corresponding method for generating a picture from an original picture (12) comprising an original picture input station (1/1001), a camera (35) and a holding device (2/1003) for holding the camera (35), whereas the device (2/1103) may be connected to an electronic computing and storing unit (40/1095).

Albeit, Uehara et al. does not disclose wherein the camera is designed as a 3-chip camera and is placed behind a prism divider for producing a red, a green and a blue copy of the original picture respectively, each copy being detected by a camera chip.

On the other hand, Yamamoto et al. also disclose an apparatus for generating a picture from an original picture. More specifically, Yamamoto et al. teach, as shown in figures 18 – 20 and 31 and as stated in columns 16 (lines 10 – 40 and 55 – 67), 17 (lines 1 – 10), and 23 (lines 12 – 31), camera (50) is designed as a 3-chip camera (44a, 44b, and 44c) and is placed behind a prism divider (71) for producing a red (30a), a green (30b), and a blue copy (30b) of the original picture respectively, each copy being detected by a camera chip.

As stated in column 2 (lines 20 – 50) of Yamamoto et al., at the time the invention was made, it would have been obvious to one with ordinary skill to have included a camera (50) that is designed as a 3-chip camera (44a, 44b, and 44c) and is placed behind a prism divider (71) for producing a red (30a), a green (30b), and a blue copy (30b) of the original picture respectively, each copy being detected by a camera chip, as taught by Yamamoto et al., in the apparatus for generating a picture from an original picture, disclosed by Uehara et al., for the advantage of

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providing a miniaturized device, reducing image scanning time, and reducing the complexity of the correction process.

9. As for **Claim 2**, Uehara et al. disclose, as shown in figures 1 and 11, apparatus for generating a picture from an original picture comprising an original picture input station, a camera (35) and a holding device (2/1003) for holding the camera (35), whereas the apparatus may be connected to an electronic computing and storing unit, more specifically according to Claim 1, characterized in that the original picture input station is designed as an original picture carrier (2/1003) that may be traveled in four directions (1101 are adjustable in the directions of 1037, thus allowing the holding device (2/1103) travel in four directions).

10. As for **Claims 4 and 5**, while Uehara et al. disclose a camera unit (35) for sensing original pictures (12), Uehara et al. does not specifically disclose wherein the camera unit (35) has a zoom lens wherein the zoom lens is carried in an oil sliding bearing.

However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of providing a camera unit that has a zoom lens wherein the zoom lens is carried in an oil sliding bearing are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have provided a camera unit that has a zoom lens wherein the zoom lens is carried in an oil sliding bearing for the advantage of providing a compact camera unit with an accurate and precise zooming mechanism requiring reduced circuit complexity and processing.

11. As for **Claim 6**, Uehara et al. disclose, as shown in figures 1 and 11, the original picture carrier (1) contains sensors (camera 35) for detecting the size of the original picture (12).

Uehara et al. disclose, as stated in column 6 (lines 44 – 65), that the camera unit (35) senses original pictures. A camera unit (35) that senses images inherently includes sensors detecting the size of the original picture.

12. As for **Claim 8**, while Uehara et al. in view of Yamamoto et al. disclose a camera unit (35) for sensing original pictures (12), wherein the original picture input station is designed as an original picture carrier (2/1003) that may be traveled in four directions, Uehara et al. does not specifically disclose wherein the position of the original picture is detected by detecting its edges and that data that do not pertain to the original picture are not stored.

However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of wherein the position of the original picture is detected by detecting its edges and that data that do not pertain to the original picture are not stored are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included wherein the position of the original picture is detected by detecting its edges and that data that do not pertain to the original picture are not stored for the advantage of utilizing memory space efficiently.

13. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara et al. in view of Yamamoto et al. in further view of Raney.

14. As for **Claim 3**, Uehara et al. in view of Yamamoto et al. teach in-combination an apparatus for generating a picture from an original picture comprising an original picture input station, a camera and a holding device for holding the camera, whereas the device may be connected to an electronic computing and storing unit, wherein the camera is designed as a 3-

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chip camera and is placed behind a prism divider for producing a red, a green and a blue copy of the original picture respectively, each copy being detected by a camera chip.

Albeit, Uehara et al. in view of Yamamoto et al. do not disclose characterized in that the original picture input station comprises a suction device that holds the original picture in the original picture carrier by means of negative pressure by way of a number of aspirating ports provided in the original picture carrier.

On the other hand, Raney also discloses an apparatus for generating a picture from an original picture. More specifically, Raney discloses, as shown in figure 1 and as stated in column 3 (lines 62 – 67), an original picture input station (12) comprising a suction device (66) that holds the original picture in the original picture carrier (68) by means of negative pressure by way of a number of aspirating ports provided in the original picture carrier.

As stated in column 2 (lines 35 – 60) of Raney, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included an original picture input station comprising a suction device that holds the original picture in the original picture carrier by means of negative pressure by way of a number of aspirating ports provided in the original picture carrier, as taught by Raney, in the apparatus for generating a picture from an original picture, disclosed by Uehara et al., for the advantage of proving a stand which holds a document to be photographed with out clips such that the holding device may be compact.

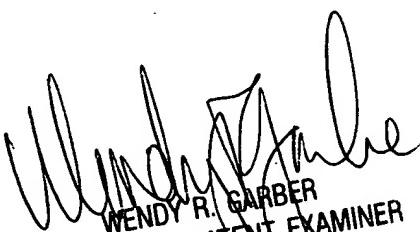
Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:00 PM and on alternating Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 571.272.7308. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
May 2, 2005


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